

**REMARKS**

The examiner requires restriction to the invention of Group I (claims 1-6) or the invention of Group II (claims 7-20). Applicants hereby confirm the prior oral election of Group I for prosecution on the merits. This election is being made without traverse. To facilitate prosecution, non-elected claims 7-20 have been canceled.

Claim 1 has been amended to recite that the hot melt adhesive is a thermoplastic hot melt adhesive. Claim 1 has been amended to recite that the hot melt adhesive is a thermoplastic hot melt adhesive. This would be apparent to one skilled in the art from a reading of the disclosure as a whole including the examples. See further page 11, line 18. Thermoplastic hot melts that can be repeatedly heated from its solid state and flowed to a liquid form. Also attached is copy of the ordinary meaning of the word "thermoplastic", as set forth in The American Heritage® College Dictionary, Third Edition, 2000 (page 1407).

New claims 21-26 have been added. The newly added claims read on the elected invention. Support for claim 21 and 22 may be found on page 7, lines 15-17. Support for claims 23 and 24 may be found on page 8, lines 1-2. Support for claim 25 and 26 may be found on page 10, lines 22-23. No new matter has been added by way of the foregoing amendment. Entry is requested.

Claim 4 has been rejected under 35 U.S.C § 112, second paragraph, based on the use of a trade name. As amended, the trade name has been removed. The scent used in the claimed invention is identified by its manufacturer and the identifying number assigned to the fragrance by the manufacturer thereof. It is believed that the foregoing

amendment overcomes the Section 122, first paragraph rejection. Reconsideration and withdrawal is requested.

Claims 1, 5 and 6 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Krzysik (U.S. Patent No. 5,460,804). Applicants disagree.

Krzysik disclose skin care preparations such as sunscreen compositions. The compositions comprise, as a film forming agent, a silicon hot melt pressure sensitive adhesive. Among the various adjuvants that can be used in the compositions of Krzysik are fragrances and perfumes (col.8, line 49).

Krzysik merely discloses that a fragrance may be part of a sunscreen preparation. Krzysik fails to disclose or suggest a composition comprising a hot melt adhesive, wherein the fragrance is part of the hot melt adhesive, as claimed by applicants. As such, Krzysik does not anticipate the claimed invention.

Reconsideration and withdrawal of the Section 102 rejection over Krzysik is requested.

Claims 1, 5 and 6 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Cooke et al. (U.S. Patent No. 6,469,227) or Maleeny et al. (U.S. Patent No. 6,375,966). Applicants disagree.

Cooke et al., disclose an adhesive skin patch that comprises a therapeutic formulation. The therapeutic formulation includes a combination of a pressure sensitive adhesive and a medicament useful for relieving topical discomfort, and may optionally include a solvent that can dissolve the medicament. At col. 9, lines 14-15, Cooke et al. disclose that the therapeutic formulation can optionally include a fragrance, or the fragrance can serve as the solvent.

Cooke et al. merely disclose that a fragrance may be part of a therapeutic composition. Cooke et al. fail to disclose or suggest a composition comprising a hot melt adhesive, wherein the fragrance is part of the hot melt adhesive, as claimed by applicants. As such, Cooke et al. does not anticipate the claimed invention.

Maleeny et al. disclose polyurethane/polyurea matrices for the delivery of active agents. The matrix is prepared by reacting a urethane prepolymer (prepared by reacting a polyisocyanate and a polyol) with an aromatic diamine chain extender in the presence of an active agent (i.e., a fragrance agent or an insect repellant agent). The matrix may further comprise a solvent for the urethane prepolymer, the aromatic diamine chain extender and active agent which results in a polyurethane/polyurea elastomer which is clear. The matrices can be cast into various shapes to form consumer products. The product of Maleeny et al. is a moldable curing polymer.

Maleeny et al. fail to disclose a thermoplastic hot melt adhesive comprising a scented material. As noted above, a thermoplastic hot melt adhesive can be repeatedly heated from its solid state and flowed to a liquid form. Maleeny fails to disclose or suggest a thermoplastic hot melt adhesive comprising a scented material as claimed by applicants. In the process of Maleeny, a urethane prepolymer (prepolymer phase) is reacted with an aromatic diamine chain extender (the curative amine phase) in the presence of an active agent. The active agent may be added as part of the prepolymer phase or as part of the curative phase. The phases are reacted and cooled in molds. The resulting cast elastomeric polymer being molded in a desired shape needed for the intended end product.

Applicants note with some confusion the disclosure on the top of col. 8 (lines 1-9). This disclosure has nothing to do with the subject matter of Maleeny et al. and appears to be an erroneous and perhaps inadvertent insertion on the part of the patentees. With the exception col. 8, lines 1-9, Maleeny et al. is devoid of any reference to adhesive compositions, or to components thereof that make up the adhesive composition that function together to provide unique waterborne hot melt agents. Moreover, while it is stated therein that certain theories or mechanisms will be suggested by applicant as to why the components function together in an unexpected manner, no such suggestions are set forth. Nevertheless, even if the col. 8, lines 1-9 paragraph is considered, there is no disclosure that a scented material is part of the referred to adhesive composition. There is no disclosure to suggest, and one skilled in the art would consider, that the prepolymer phase, or the curative phase, or the reaction product thereof to be an adhesive composition let alone a waterborne hot melt agent. The thermoplastic hot melt adhesive comprising a scented material, as claimed by applicants is not anticipated by Maleeny et al.

Reconsideration and withdrawal of the Section 102 rejections over Cooke et al. and Maleeny et al. are requested.

Claims 2-4 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Maleeny et al., Cooke et al. or Krzysik. Applicants disagree. For the reasons set forth above, none of the Maleeny et al., Cooke et al. or Krzysik patents disclose or even suggest a thermoplastic hot melt adhesive comprising a scented material as claimed by applicants.

Reconsideration and withdrawal of the Section 103 rejections over Maleeny et al.,  
Cooke et al. or Krzysik are requested.

Early and favorable action is solicited.

Respectfully submitted,




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